

RESOLUTION NO. R-92- 1595

RESOLUTION AMENDING RESOLUTION NO. R-91-253
RESOLUTION APPROVING ZONING PETITION OF
BREAKERS WEST DEVELOPMENT CORPORATION
PETITION NO. 73-219 (C)

WHEREAS, BREAKERS WEST DEVELOPMENT CORPORATION petitioned the Palm Beach County Planning Commission and the Board of County Commissioners, sitting as the final zoning authority, on September 6, 1990 and September 27, 1990, respectively, for the SPECIAL EXCEPTION TO AMEND THE MASTER PLAN FOR BREAKERS WEST PLANNED UNIT DEVELOPMENT TO TRANSFER UNITS FROM POD A TO POD Q, AND INCREASE DENSITY; and

WHEREAS, Resolution No. R-91-253 adopted February 26, 1991, confirming the action of the Board of County Commissioners sitting as the final zoning authority on September 27, 1990, inadvertently contained an incorrect legal description; and

WHEREAS, the legal description of Resolution No. R-91-253 reads as follows:

"on a parcel of land described as follows:

less a portion of the west 1/2 of the aforementioned lot 5 of block 1, "Palm Beach Farms Co. Plat No. 9" described as follows: Commencing at the southwest corner of "Breakers West Plat No. 1". As shown in Plat Book 32, page 83, said corner being also the southeast corner of the aforesaid west 1/2 of lot 5, block 1, "Palm Beach Farms Plat No. 9". Thence along the west line of said "Breakers West Plat No. 1", north 00 degrees 29' 50" east. A distance of 239.00 feet to the Point of Beginning. From the Point of Beginning: Thence north 89 degrees 35' 00" west. A distance of 135.02 feet; thence south 00 degrees 32' 03" west. A distance of 239.83 feet to the south line of the aforesaid lot 5, block 1, "Palm Beach Farms Co. Plat No. 9": Thence north 89 degrees 56' 07" east along said south line of lot 5. A distance of 175.18 feet to the south corner of said lot 5; thence north 00 degrees 34' 14" east along the west line of said lot 5. A distance of 602.83 feet; thence S 88 degrees 59' 00" east. A distance of 309.58 feet to the west line of the aforesaid "Breakers West Plat No.1"; thence south 00 degrees 29' 50" west along said line of said "Breakers West Plat No. 1". A distance of 358.68 feet to the Point of Beginning. Less, the right-of-way for Rubin Road (Sansbury's Way). As described in right-of-way warranty deed recorded in official record book 2615 at page 510. Less, that portion of parcel a lying in the Lake Worth Drainage District Canal right-of-ways as described in quit claim deed recorded in official record book 2698 page 1825 and right of way reservation recorded in official record book 1994 described as follows: The north 70 feet of lots 4, 5, 6, and 7, and the north 70 feet of the platted road right-of-way lying between said lots 6 and 7, of block 1 of "Palm Beach farms Co. Plat No. 9", as shown in plat book 5 at page 58, and the south 75 feet of lots 12 and 13 of block 1 of "Palm Beach Farms Co. Plat No. 3", in plat book 2 pages 45 through 54. Less, the additional right-of-way for Sansbury's way as described in official record book 4723 at page 1638. Less a portion of the west 1/2 of the aforementioned lot 5 of block 1, "Palm Beach Farms Co. Plat No. 9" described as follows: Beginning at the southwest corner of "Breakers West Plat No. 1". As shown in plat book 32 page 83. Said corner being also the southeast

corner of the aforesaid west 1/2 of lot 5, block 1, "Palm Beach Farms Plat No. 9", thence north 89 degrees 56" 07" west, a distance of 135.17 feet; thence north 00 degrees 32' 03" east, a distance of 239.83 feet; thence south 89 degrees 35' 00" east, a distance of 135.02 feet; thence south 00 degrees 29" 50" west. A distance of 239.00 feet to the Point of Beginning and being located on the north side of Belvedere Road, bound on the west By US 441, on the east by Sansbury Way, and bound on the north by Okeechobee Boulevard,"; and

WHEREAS, the legal description of said zoning resolution should have read:

on a parcel of land lying in:

Parcel A

A parcel of land in Sections 29, 30, 31, and 32, Township 43 South, Range 42 East, being a portion of Blocks 1 and 2 of "Palm Beach Farms Co. Plat No. 3", Plat Book 2 at Pages 45 through 54, inclusive, and a portion of Block 1 of "Palm Beach Farms Co. Plat No. 9", Plat Book 5 at Page 58, as follows:

Commencing at the northwest corner of Lot 1 of Block 1 of said "Palm Beach Farms Co., Plat No. 3", thence along the north line of said Lot 1 South 89 Degrees 55' 48" East, a distance of 150.15 feet to a point in the east right-of-way line of Lake Worth Drainage District E-1 Canal right-of-way, said point being the Point of Beginning;

From said Point of Beginning: Thence continuing along the north line of said Lot 1 South 89 Degrees 55' 48" East a distance of 1559.85 feet to a southerly extension of the west line of Lot 4, Block 1, "Palm Beach Farms Co. Plat No. 9"; Thence North 00 Degrees 54' 38" East, along the west line of said Lot 4, a distance of 1434.62 feet; Thence South 87 Degrees 46' 19" East, a distance of 602.08 feet to the east line of said Lot 4; Thence North 00 Degrees 34' 14" East, a distance of 64.76 feet to the northeast corner of said Lot 4; Thence South 87 Degrees 44' 55" East along the north line of Lot 5 "Palm Beach Farms Plat No. 9", a distance of 308.63 feet; Thence South 00 Degrees 29' 50" West, a distance of 64.63 feet; Thence South 87 Degrees 46' 08" East, a distance of 1380.57 feet to the east line of Lot 7 "Palm Beach Farms Plat No. 9"; Thence South 00 Degrees 04' 15" West along said east line of Lot 7, a distance of 1348.11 feet to a point in the north line of Lot 2 of the aforementioned Block 2, "Palm Beach Farms Plat No. 3"; Thence South 89 Degrees 56' 49" East along the north line of said Lot 2, Block 2, a distance 1979.63 feet to the northeast corner of said Lot 2, Block 2; Thence South 00 Degrees 02' 11" West along the east line of said Lot 2 and the southerly extension thereof, Lot 4 and the southerly extension thereof, and Lot 9, of said Block 2 of "Palm Beach Farms Co. Plat No. 3", a distance of 3358.54 feet to the southeast corner of said Lot 9; Thence North 89 Degrees 57' 49" West, along the south line of said Lot 9, a distance of 228.17 feet to the southeast corner of "O-S" Tract 4 of "Breakers West Plat No. 2", as shown in Plat Book 36 at Pages 31 - 35, said point lying on a curve in the westerly line of "Rubin Road" shown as being an 80.00 foot wide right-of-way on said "Breakers West Plat No. 2", now "Sansbury's Way", said curve being concave to the northwest, having a radius of 1105.92 feet and a chord which bears South 33 Degrees 05' 53" West; Thence southwesterly along the arc of said curve, subtending a central angle of 10 Degrees 15' 15", a distance

of 3.30 feet to the end of said curve; Thence South 33 Degrees 11' 01" West along a line 40.00 feet northwest of and parallel with the centerline of said "Sansbury's Way", as shown on "Breakers West Plat No. 13" Plat Book 55 at Pages 145 through 150, a distance of 502.90 feet to the beginning of a curve concave to the southeast having a radius of 1185.92 feet; Thence southerly along the arc of said curve, subtending a central angle of 33 Degrees 07' 27", a distance of 685.61 feet; Thence South 00 Degrees 03' 34" West, a distance of 202.87 feet to a point in the north line of the Lake Worth Drainage District Canal L-3 right-of-way, 75.00 feet in width, "Breakers West Plat No. 13"; Thence North 89 Degrees 57' 56" West along said canal north right-of-way line, a distance of 1991.82 feet to the east line of Lot 11, Block 1 of "Palm Beach Farms Co. Plat No. 3"; Thence South 0 Degrees 03' 01" West, a distance of 75.00 feet to the southeast corner of said Lot 11, Block 1; Thence North 89 Degrees 57' 57" West along the south line of Lot 11 and Lot 12 of Block 1, a distance of 2309.90 feet to the southwest corner of said Lot 12; Thence North 00 Degrees 02' 21" East along the west line of said Lot 12, a distance of 75.00 feet to the north line of the aforementioned Lake Worth Drainage District L-3 Canal right-of-way; Thence North 89 Degrees 57' 57" West along said canal North right-of-way line, a distance of 223.10 feet; Thence North 00 Degrees 02' 21" East, parallel with and 223.10 feet west of the east line of said Lot 13, Block 1, a distance of 585.78 feet to the north line of said Lot 13; Thence North 89 Degrees 57' 43" West, along the north line of said Lot 13, a distance of 809.18 feet to a point in the east line of the Lake Worth Drainage District E-1 Canal right-of-way, 150.00 feet in width; Thence North 02 Degrees 36' 21" East along said canal east right-of-way line, a distance of 4054.49 feet to the Point of Beginning. The above described parcel contains 684.084 acres of land, more or less.

Less a portion of the west 1/2 of Lot 5 of Block 1, "Palm Beach Farms Co. Plat No. 9", described as follows;

Commencing at the southwest corner of "Breakers West Plat No. 1", Plat Book 32 at Page 83, said corner bring also the southeast corner of the said west 1/2 of Lot 5, Block 1; Thence along the west line of said "Breakers West Plat No. 1", North 00 Degrees 29' 50" East, a distance of 239.00 feet to the Point of Beginning;

From the Point of Beginning: Thence North 89 Degrees 35' 00" West, a distance of 135.02 feet; Thence South 0 Degrees 32' 03" West, a distance of 239.83 feet to the south line of the aforesaid Lot 5, Block 1, "Palm Beach Farms Co. Plat No. 9"; Thence North 89 Degrees 56' 07" West along said south line of Lot 5, a distance of 175.18 feet to the south corner of said Lot 5; Thence North 0 Degrees 34' 14" East along the west line of said Lot 5, a distance of 602.83 feet; Thence South 88 Degrees 59' 00" East, a distance of 309.58 feet to the west line of the aforesaid "Breakers West Plat no. 1"; Thence South 00 Degrees 29' 50" West along said line of said "Breakers West Plat No. 1", a distance of 358.68 feet to the Point of Beginning. The above described out parcel contains 3.529 acres of land, more or less.

Less, also, the right-of-way for Rubin Road (Sansbury's Way), as described in Right-Of-Way Warranty Deed in official Record Book 2615 at Page 510, containing 4.21 acres of land, more or less.

Less, also, that portion of Parcel A lying in the Lake Worth Drainage District canal right-of-ways as described in Quit Claim Deed in official Record Book **2698** Page **1825** and right-of-way reservation recorded in official Record Book **1994** at Page **1573**, more particularly described as follows:

The north **70.00** feet of Lots **4**, **5**, **6**, and **7**, and the north **70.00** feet of the platted road right-of-way lying between said Lots **6** and **7**, of Block **1** of "Palm Beach Farms Co. Plat No. **9**", and the south **75.00** feet of Lots **12** and **13** of Block **1** of "Palm Beach Farms Co. Plat No. **3**", as shown in Plat Book **2** at pages **45** through **54**, inclusive, all of the aforementioned public records.

The canal rights-of-way as described above contain a total of **4.728** acres of land, more or less.

Less, also, the additional right-of-way for Sansbury's Way as described in official Record Book **4723** at Page **1638** of the public records of Palm Beach County, Florida, containing **1.380** acres of land, more or less.

Less a portion of the west one-half of the aforementioned Lot **5** of Block **1**, "Palm Beach Farms Co. Plat No. **9**" described as follows:

Beginning at the southwest corner of "Breakers West Plat No. **1**", as shown in Plat Book **32** Page **83**, said corner being the southeast corner of the west **1/2** of Lot **5**, Block **1**, "Palm Beach Farms Plat No. **9**", Thence North **89** Degrees **56' 07"** West, a distance of **135.17** feet, Thence North **00** Degrees **32' 03"** East, a distance of **239.83** feet, Thence South **89** Degrees **35' 00"** East, a distance of **135.02** feet, Thence South **0** Degrees **29' 50"** West, a distance of **239.00** feet to the Point of Beginning. The above described out parcel of land contains **32,343** square feet or **0.743** acres, more or less.

Parcel B

Land situated in Sections **28** and **29**, Township **43** South, Range **42** East, Being Lot **8**, Lot **9**, and the west **1/2** of Lot **10** of Block **1** of "Palm Beach Farms Co. Plat No. **9**", less and except, the north **32** feet of the east **1/2** of Lot **9** and the west **1/2** of Lot **10** conveyed to Lake Worth Drainage District in official Record Book **67** at Page **419** and Page **451**.

Parcel C

Situated in Sections **29** and **30**, Township **43** South, Range **42** East, being a portion of a right-of-way, **30.00** feet in width, situated in Block **1** of "Palm Beach Farms Co. Plat No. **9**"; All of that certain right-of-way, **30.00** feet in width, as shown on said Plat, bounded as follows: On the north, by the south lines of Lot **8**, Lot **9**, and the west **1/2** of Lot **10**, of said Block **1**; On the south, by the south line of Block **1** of said "Palm Beach Farms Co. Plat No. **9**"; On the west, by a southerly projection of the west line of said Lot **8**; On the east by a southerly projection of the east line of said west **1/2** of Lot **10**, Block **1**,.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF **PALM BEACH COUNTY**, FLORIDA, that:

1. The foregoing recitals are hereby affirmed and ratified.

2. The legal description of Resolution No. R-91-253 is hereby amended.

The foregoing resolution was offered by Commissioner Elmquist, who moved its adoption. The motion was seconded by Commissioner Roberts, and upon being put to a vote, the vote was as follows:

Karen T. Marcus, Chair	--	Aye
Carole Phillips	--	Aye
Carol A. Roberts	--	Aye
Carol J. Elmquist	--	Aye
Mary McCarty	--	Absent
Ken Foster	--	Aye
Maude Ford Lee	--	Aye

The Chair thereupon declared the resolution was duly passed and adopted this 27 day of October, 1992.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

MILTON T. BAUER, CLERK

BY: *Richard Altman*
COUNTY ATTORNEY

BY: *Linda C. Hickman*
DEPUTY CLERK

